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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.  | CONFIRMATION NO.           |
|---|-------------|------------------------|----------------------|----------------------------|
| 10/727,713  | 12/04/2003  | Charles Buchan Ritchie | 8830-257 US (192507) | 6927                       |
| 7590  | 09/06/2006  |                        |                      | EXAMINER<br>NAGPAUL, JYOTI |
| Robert E. Cannuscio<br>DRINKER BIDDLE & REATH LLP<br>One Logan Square<br>18th & Cherry Streets<br>Philadelphia, PA 19103-6996 |             |                        | ART UNIT<br>1743     | PAPER NUMBER               |

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                         |
|------------------------------|------------------------|-------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>     |
|                              | 10/727,713             | RITCHIE, CHARLES BUCHAN |
|                              | <b>Examiner</b>        | <b>Art Unit</b>         |
|                              | Jyoti Nagpaul          | 1743                    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 August 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 11-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 11-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

Amendment filed on August 14, 2006 has been acknowledged. Claims 11-18 are pending.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stradella (US 6164501).

Stradella teaches a device for dispensing a fluid. The device comprises of a first container (1) having a first chamber capable of being filled with a fluid and a second container (6) having a second chamber adapted to receive fluid from the first chamber, the second container (6) having a piston (7) means slideably receivable within the first chamber of the first container (1), wherein the piston (7) means has a bore (10) which fluidly communicated with the first and second chambers and the bore (10) has first portion/inside the bottle (6) diameter having a first diameter and a second portion/the neck of the bottle (6) having a second diameter which is smaller than the first diameter, wherein, on insertion of the piston (7) means into the first chamber of the fist container (1), fluid is displaced from the first chamber to the second chamber. With respect to Claim 12, the piston means (7) and the second container (6) are integrally formed. With respect to Claim 13, the first portion/ inside the bottle (6) is adjacent to the second

chamber and the second portion/ neck of the bottle (6) is remote from the second chamber. With respect to Claim 14, the device further comprises a sealing means (2) adapted to seal the first (1) and second (6) containers together. With respect to Claim 15, the first (1) and second (6) containers are adapted to seal together as the fluid is displaced to the second chamber. With respect to Claim 16, the at least one portion of the second chamber is adapted to allow fluid to be removed therefrom. With respect to Claim 17, the device further comprises cutting means/the end of the piston adapted to remove a part (5) of the apparatus such that the stored fluid may be removed from the second chamber. With respect to 18, it is inherent that anything can be disposable.

***Response to Arguments***

Applicant's arguments with respect to claims 11-18 have been considered but are moot in view of the new ground(s) of rejection. Please refer above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jyoti Nagpaul whose telephone number is 571-272-1273. The examiner can normally be reached on Monday thru Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JN

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700